

# Chapter 2

## Project Description

### 2.1 Introduction

This Draft Revised Supplemental Environmental Impact Report (Draft RSEIR) evaluates potential impacts of the continued operation of the Berths 97-109 China Shipping (CS) Container Terminal (Terminal) under new and/or modified mitigation measures (the Revised Project, described in more detail in Section 2.5 below). It also discloses other information, specifically, the impacts of operation of the Terminal during past years (2008 – 2023) and impacts of operation of the Terminal in future years under the mitigation and lease measures imposed in the 2008 EIS/EIR (see Section 1.1.1).

As described in Section 1.1.1, this Draft RSEIR was prepared in response to, and in compliance with, a Peremptory Writ of Mandate (Writ) issued by the San Diego Superior Court (Superior Court) as a result of litigation over the SEIR issued in 2019 (the 2019 SEIR, see Section 1.1.1) by the Los Angeles Harbor Department (LAHD). The Writ required, among other things, that the LAHD (1) prepare, circulate, and certify a revised SEIR (this Draft RSEIR) that addresses the deficiencies regarding 2019 SEIR mitigation measures MM AQ-9, MM AQ-10, MM AQ-17; and (2) provide additional information, analyses, and/or disclosures regarding 2019 SEIR LM GHG-1, MM AQ-9, and the emissions impact analysis (described in more detail in Section 1.1.2).

This document supplements the 2008 EIS/EIR (see Section 1.1.1) and the 2019 SEIR.

### 2.2 Background and Project Overview

#### 2.2.1 Background

The CS Terminal currently consists of a container shipping facility (see Section 2.4.2). Uses prior to its development as a container terminal, in the early 2000s, are described in the 2019 SEIR. The subsequent history of the CS Container Terminal project, including litigation and CEQA/NEPA documents leading up to the Revised Project, is described in Section 1.2.

The 2008 EIS/EIR adopted 52 mitigation and lease measures to reduce significant construction and operational impacts in the areas of aesthetics, air quality, biology, cultural resources, geology, ground water, noise, public services, and transportation. Some of the measures were developed in the course of preparation of the 2008 EIS/EIR while others were incorporated into the document from the Amended Stipulated Judgement (ASJ – see Section 1.2). Subsequent analyses and litigation prompted

1 modifications of some of those measures and the addition of others, which were analyzed  
2 in the 2019 SEIR.

## 3 **2.2.2 Revised Project Overview**

4 As described in Section 1.2.4, the Revised Project analyzed in this Draft RSEIR consists  
5 of the continued operation of the CS Container Terminal under certain of the Adopted  
6 Mitigation Measures and Lease Measures included in the 2008 EIS/EIR as modified by  
7 the 2019 SEIR, and any Proposed Mitigation Measures and Lease Measures that may  
8 arise from the additional information, analyses, and/or disclosures of this Draft RSEIR  
9 (see Table 1-1 in Chapter 1).

10 In the 2019 SEIR, LAHD proposed certain changes to the operational mitigation  
11 measures imposed in the 2008 EIS/EIR and a new lease measure, LM GHG-1 was  
12 proposed. The impacts of those changes were analyzed and disclosed in the 2019 SEIR.  
13 As described in Section 1.1.2, the Writ rejected the Port's revisions of MM AQ-9 (AMP),  
14 MM AQ-10 (VSRP), one element of MM AQ-17 (Berth 97-109 CHE), and the  
15 certification of LM GHG-1. Accordingly, the three air quality measures are re-instated as  
16 originally set forth in the 2008 EIS/EIR, and LM GHG-1 is re-evaluated in this Draft  
17 RSEIR.

18 The Draft RSEIR analyzes environmental impacts of the Revised Project from the  
19 beginning of full implementation of the Revised Project, assumed to be 2026, until the  
20 end of the lease period, assumed to be 2045. This Draft RSEIR also examines whether  
21 there are any additional available, feasible, and enforceable mitigation measures that  
22 could be adopted to address air quality and greenhouse gas emissions impacts. If changes  
23 to the mitigation measures or entirely new mitigation measures are recommended as a  
24 result of the Draft RSEIR, the Board of Harbor Commissioners will consider amending  
25 Permit No. 999 for operations at Berths 97-109 accordingly.

## 26 **2.2.3 Additional Disclosures Overview**

### 27 **2.2.3.1 Period of Non-Compliance**

28 Several of the measures imposed by the 2008 EIS/EIR were not fully complied with  
29 between 2008, when the measures were imposed, and 2024, when the Sixth Amendment  
30 to Permit No. 999 was entered. This period is referred to as the “period of non-  
31 compliance.” Details of partial implementation of those measures are presented in  
32 sections 3.1 and 3.2 of the 2019 SEIR, and that document analyzed impacts of non-  
33 compliance during the period 2008 to 2018. This Draft RSEIR analyzes operation of the  
34 CS Terminal from 2018 through 2023 (the most recent year for which full data are  
35 available) in order to disclose the impacts of non-compliance subsequent to the 2019  
36 SEIR.

### 37 **2.2.3.2 Analysis of 2008 FEIR Mitigated Scenario**

38 The Draft RSEIR also analyzes the operation of the Terminal under the set of mitigation  
39 and lease measures included in the Adopted Project by the 2008 Final EIS/EIR. Those  
40 measures include some applicable only to construction, but the measures applicable to  
41 operation, including those that were modified or entirely dropped from the Revised  
42 Project in the 2019 SEIR, are assumed to be fully implemented in their original form  
43 during the entire operational period from 2008 to 2045.

## 2.3 Project Objectives

In the 2008 EIS/EIR, the LAHD’s overall objectives for the CS Container Terminal were threefold: (1) provide a portion of the facilities needed to accommodate the projected growth in the volume of containerized cargo through the Port; (2) comply with the Mayor’s goal for the Port to increase growth while mitigating the impacts of that growth on the local communities and the Los Angeles region by implementing pollution control measures, including the elements of the Clean Air Action Plan (CAAP) applicable to the proposed Project; and (3) comply with the Port Strategic Plan to maximize the efficiency and capacity of terminals while raising environmental standards through application of all feasible mitigation measures.

The overall purpose of the Revised Project is to further the second and third objectives by eliminating some previously adopted measures that have proved to be infeasible or unnecessary; instituting new, feasible, mitigation measures; and modifying other existing measures to enhance their effectiveness.

## 2.4 Project Location and Setting

### 2.4.1 Project Location

The Port is located at the southernmost end of the City of Los Angeles (Figure 1-1), in the communities of San Pedro and Wilmington in the County of Los Angeles, California, approximately 20 miles from downtown Los Angeles. The Port is within the Port of Los Angeles Community Plan area. It encompasses 7,500 acres and 43 miles of waterfront, and provides a major gateway for international goods and services. With 23 major cargo terminals, including container, dry and liquid bulk, breakbulk, automobile, and passenger facilities, the Port handled about 179 million metric revenue tons of cargo in fiscal year 2023 (July 2022–June 2023) (LAHD 2025). In addition to cargo operations, the Port is home to commercial fishing vessels, shipyards, and boat repair facilities, as well as recreational, community, and educational facilities.

### 2.4.2 Project Setting

The project site, at Berths 99-109 (Figure 2-1), is generally bounded on the north by the Berth 121-131 container terminal; on the east by the West Basin, Main Channel, and Pier A; on the south by the World Cruise Center and State Route 47; and on the west by Pacific Avenue, Front Street, and the community of San Pedro (because much of the Terminal was not yet developed in 2008, the image in Figure 2-1 is presented to show how the Terminal was configured after construction was complete in 2013). Land uses in the general vicinity of the project site support a variety of cargo handling operations, including container, liquid bulk, and dry bulk; commercial fishing and seafood processing; a power plant (Harbor Generating Station); Port administration and maintenance facilities; maritime support uses; and recreational and residential uses.

The CS Container Terminal is described in Section 2.4.2 of the 2019 SEIR. In summary, the approximately 142-acre terminal has two berths for oceangoing vessels (OGVs) and a container yard and is operated by the West Basin Container Terminal LLC (WBCT) under a lease agreement (Permit No. 999) between China Shipping (North America) Holding Co., Ltd. and LAHD. WBCT owns the CHE that is used on both the CS terminal and the adjacent Berths 121-131 terminal, and the equipment is frequently shared

1 between the two terminals. The two terminals share the on-dock West Basin Intermodal  
2 Container Transfer Facility (WBICTF), which is located on the Berths 121-131 terminal.

3 The CS Container Terminal handled the containers with a variety of cargo-handling  
4 equipment (CHE). Details of the CHE fleet are discussed below as various elements of  
5 the Revised Project are described, but in general, the WBCT's inventory of CHE in 2008  
6 included 157 LPG-powered yard tractors (hostlers), 20 rubber-tired gantry cranes  
7 (RTGs), 17 forklifts (9 LPG-fueled, the rest diesel), 2 man lifts, 2 sweepers, 3 off-road  
8 trucks (contracted refueling trucks), and 26 toppick mobile cranes (a type of CHE that  
9 lifts containers onto and off of truck chassis, railcars, and container stacks). The CS  
10 Container Terminal is assumed, on the basis of the 2008 combined throughput of the B  
11 121-131 and CS terminals (1,065,701 TEUs), to use an average of approximately 36% of  
12 the CHE.

### 13 **2.4.3 Operations 2018 - 2023**

14 The CS Container Terminal began operation in 2005 and has operated more or less  
15 continuously since then. Throughput has approximately doubled in the nearly 20 years of  
16 operation. Operation between 2018 and 2023 (Table 2-1) included implementation of  
17 ASJ requirements and most of the mitigation measures imposed in the 2008 EIS/EIR, but,  
18 as described in Section 2.2.2 and 2019 SEIR Section 2.4.3, some mitigation measures  
19 were partially implemented or not implemented at all beginning in 2008. Those  
20 mitigation measures included MM AQ-9 (AMP), MM AQ-10 (VSRP), MM AQ-16  
21 (Railyard CHE), MM AQ-17 (Berth 97-109 CHE), and MM AQ-20 (LNG Drayage  
22 Trucks. As a result of the changes to the Approved Project incorporated into the 2019  
23 SEIR, in the period 2018 – 2023, mitigation measure MM AQ-20 was not in effect, and  
24 the remaining measures had been modified as described in 2019 SEIR Section 2.5.2.

25 In 2023 the Terminal handled 943,335 twenty-foot-equivalent units (TEU: twenty-foot  
26 equivalent units, a measure of containerized cargo capacity) of containerized cargo, or  
27 approximately 524,000 containers. The majority of imported containers left the Terminal  
28 by truck, whether to transload destinations in the region for ultimate placement on  
29 eastbound trains, to near-dock and off-dock railyards, or to warehouses and distribution  
30 centers for consumption within the region. The remainder were placed directly onto trains  
31 at the WBICTF for transport out of the southern California region. Export containers  
32 (those leaving the Terminal on ships) made the reverse moves in roughly the same  
33 proportions. In total, these activities involved approximately 446,460 truck one-way trips,  
34 333 train trips to and from the WBICTF, and 157 vessel calls.

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**Figure 2-1: Berths 97-109 (China Shipping) Container Terminal (Full-build-out configuration)**



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**Table 2-1: CS Container Terminal Throughput During the Additional Period of Partial Non-Compliance.**

Year	Actual Throughput (TEUs)
2018	616,547
2019	538,245
2020	809,287
2021	1,314,531
2022	1,306,939
2023	943,335

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## 2.5 Revised Project and Additional Disclosures

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The Revised Project involves the continued operation of the CS Container Terminal under the Adopted Mitigation Measures and Lease Measures included in the 2019 SEIR and 2008 EIS/EIR, as modified by the Writ, and the Proposed Mitigation Measures and Lease Measures. All other aspects of the Approved Project, including construction and the physical operation of the CS Container Terminal (except activity levels) and all other mitigation measures, remain the same as those evaluated in the 2008 EIS/EIR.

## 2.5.1 Revised Project

### 2.5.1.1 Overview

This Draft RSEIR evaluates operation of the CS Container Terminal from the point at which the Revised Project elements (see Section 2.5.1.2) would take effect, assumed to be 2026, until the termination of the lease in 2045. This analysis is based on the recognition that changes in throughput (Table 2-2), technology, and other factors have occurred, and that some mitigation measures have been modified by the Writ.

In this analysis, the mitigation measures included in the 2019 SEIR are assumed to be implemented, except that, per the Writ, MM AQ-9 (AMP) is replaced by the measure imposed in the 2008 EIS/EIR (see Section 2.5.1.2), MM AQ-10 (VSRP) as set forth in the 2008 EIS/EIR is reinstated, and the portion of the 2008 EIS/EIR MM AQ-17 pertaining to an electric yard tractor demonstration project is reinstated.

**Table 2-2: Operation of the CS Container Terminal as Analyzed in the 2008 EIS/EIR and in this RSEIR.**

Element	2008 EIR/EIS			Draft RSEIR		
	2015	2030	2045	2026	2036	2045
Throughput (TEUs)	1,164,000	1,551,000	1,551,000	1,215,312	1,670,000	1,670,000
Vessel Calls/yr	182	234	234	102	153	153
Truck Trips/yr	1,192,000	1,508,000	1,508,000	1,193,259	1,784,214	1,672,732
Train Trips/yr	648	816	816	538	605	525
%TEUs by Truck	81%	83%	83%	81%	84%	87%
%TEUs by On-Dock	20%	17%	17%	19%	16%	13%

Note:

%TEUs by Truck includes trips to near-dock/off-dock railyards.

### 2.5.1.2 Revised Project Elements – Adopted Mitigation Measures and Lease Measures

The adopted mitigation and lease measures that constitute the Revised Project evaluated in this Draft RSEIR are listed in Table 1-1. These differ from the measures evaluated in the 2019 SEIR in three respects: MM AQ-9 (Alternative Maritime Power) is replaced by the measure set forth in the 2008 EIS/EIR (see discussion below), MM AQ-10 (Vessel Speed Reduction) is replaced by the measure set forth in the 2008 EIS/EIR, and the provision of 2008 MM AQ-17 (Cargo-Handling Equipment) requiring a one-year electric tractor pilot study is reinstated.

#### MM AQ-9 – Alternative Maritime Power (AMP)

MM AQ-9 as included in the 2008 EIS/EIR required that “China Shipping vessels calling at Berths 97-109 must use AMP...while hoteling in the Port...Additionally, by 2010, all ships retrofitted for AMP shall be required to use AMP while hoteling at a 100 percent compliance rate, with the exception of circumstances when an AMP-capable berth is unavailable due to utilization by another AMP-capable ship.” (The ellipses indicate language detailing a phase-in schedule that achieved 100% compliance by 1 January 2011.) The measure did not include any circumstances that would constitute an exception to the requirement to AMP, although the Recirculated Draft EIS/EIR’s discussion of the measure did acknowledge that “certain events such as equipment failure may mean less

1 than 100 percent of ships would comply with this measure in certain years” and  
2 suggested that compliance could fall to 97 or 98% (RDEIS/DEIR p. 3-2.76).

3 The 2019 SEIR modified MM AQ-9 to state that “all ships calling at Berths 97-109 must  
4 use AMP while hoteling in the Port, with a 95 percent compliance rate;” specified four  
5 exceptions to the requirement; and required that in such an exception, “an equivalent  
6 alternative at-berth emission control capture system shall be deployed, if feasible.” The  
7 2019 SEIR presented substantial evidence showing that a compliance rate of 95% would  
8 be achievable but that 100% compliance would not be. In other words, an AMP rate of  
9 100% was presented as a goal but the Terminal’s compliance with MM AQ-9 would be  
10 assessed based on the requirement of 95%.

11 In 2020, CARB promulgated the “At-Berth Regulation” (Control Measure for Ocean-  
12 Going Vessels At Berth, CCR Sections 93130 through 93130.22 of Title 17), which  
13 replaced the 2007 version (CCR Section 93118.3 of Title 17). This regulation required  
14 several vessel types, including container vessels, to use shore power (i.e., AMP) for  
15 reducing at-berth emissions of auxiliary engines, or to use another, CARB-approved  
16 technology if AMP is not possible. The requirement took effect January 1, 2023;  
17 accordingly, the At-Berth Regulation currently governs emissions of most vessels calling  
18 the CS Container Terminal and any mitigation imposed by the Port must not conflict with  
19 the regulation.

20 The regulation, like the 2019 SEIR version, explicitly recognizes exceptions to the  
21 requirement, but goes further by establishing procedures for categorizing and approving  
22 such exceptions as well as for penalizing non-compliance. The 2020 regulation  
23 recognizes that connecting and disconnecting AMP or another control method takes time,  
24 and allows a total of three hours of auxiliary engine use while these activities are taking  
25 place. The regulation also recognizes that first-time calls by an AMP-capable vessel  
26 require a “commissioning” process that could exceed three hours while the vessel’s  
27 electrical system is coordinated with the terminal’s shore power system.

28 The Writ rejected the 2019 SEIR’s modification of MM AQ-9 and reinstated the 2008  
29 EIS/EIR’s version of MM AQ-9.

30 Consistent with the Writ, the Amended Judgment and the further ruling of the trial court  
31 concerning MM AQ-9 issued in May 2025 (May 2025 Ruling), this Draft RSEIR  
32 analyzes the Revised Project with MM AQ-9 (as updated in this RSEIR) requiring use of  
33 AMP by 100% of vessel calls. However, LAHD notes that, going forward from this time,  
34 a number of factors influence the implementation of the measure. Specifically, when the  
35 2008 EIS/EIR and 2019 SEIR were prepared, only MM AQ-9 was relevant to control of  
36 at-berth emissions at the CS Container Terminal; the requirements of CARB’s 2007  
37 regulations were much less stringent than those of MM AQ-9. Now, the operator of the  
38 CS Container Terminal must comply with both MM AQ-9 (as interpreted by the trial  
39 court) and CARB’s 2020 At-Berth Regulation. Because MM AQ-9 was established when  
40 AMP was not widely used and had very few, if any, real-world applications, MM AQ-9  
41 has been updated per the Writ, the Amended Judgment and the May 2025 Ruling, and  
42 must be interpreted and implemented in connection with the At-Berth Regulation and the  
43 trial court’s ruling.

44 For example, CARB’s 2020 At-Berth Regulation recognizes operational and safety issues  
45 that affect the ability of a container terminal to achieve the goal of having 100% of vessel  
46 calls meet AMP requirements. These issues are applicable to MM AQ-9. First, although  
47 most container terminals, including the CS Container Terminal, have a core business of  
48 vessels belonging to one shipping company or those of a consortium (“alliance”) of

1 shipping companies, they also accept third-party business. While the core vessels would  
2 likely be AMP-capable, the third-party business may involve vessels that have not been  
3 equipped to use shore power. This is particularly the case for bulk vessels, which do  
4 occasionally call at container terminals (including the CS Terminal) and are not required,  
5 under the At-Berth Regulation, to be AMP-capable or to use emissions reduction  
6 technology. Accordingly, some proportion of vessel calls may not be able to use AMP  
7 because the vessels are not equipped to do so. The 2008 version of MM AQ-9 exempts  
8 such vessels from control whereas the 2020 At-Berth Regulation require that container  
9 vessels without the ability to AMP instead use an alternative control system while at  
10 berth.

11 Second, as described in the At-Berth Regulation, situations can arise that reduce the  
12 amount of time at berth AMP-capable vessel is plugged into AMP or prevent it from  
13 utilizing AMP at all. These include emergency and safety situations and “incident”  
14 events, as defined in CCR Section 93130.8. These terms encompass a variety of possible  
15 situations involving the vessel, the terminal, or the electric utility, including equipment  
16 failure, unsafe equipment behavior, operational accidents, and utility power outage.  
17 Incidents serious enough to prevent a vessel from achieving optimal use of AMP are  
18 infrequent, but the 2020 At-Berth Regulation acknowledges that they do happen and  
19 permits exceptions in such cases.

#### 20 **MM AQ-10 – Vessel Speed Reduction (VSRP)**

21 MM AQ-10 as included in the 2008 EIS/EIR required that as of 2009, “all ships calling at  
22 Berths 97-109 shall comply with the expanded VSRP of 12 knots between 40 nm from  
23 Pint Fermin and the Precautionary area.” The 2019 SEIR required “at least 95 percent of  
24 vessels” calling at the terminal to comply either with the expanded VSRP or with an  
25 alternative compliance plan approved by the LAHD. The Writ rejected the 2019 SEIR’s  
26 modification of MM AQ-10 and reinstated the 2008 EIS/EIR’s version of MM AQ-10.

27 Consistent with the Writ, this Draft RSEIR analyzes the Revised Project with MM AQ-10  
28 requiring 100% of vessels calling at the Terminal to comply with the expanded VSRP.  
29 However, the measure is revised from the 2008 version to exempt vessels experiencing  
30 any of the listed maritime emergencies, as defined by the Port of Los Angeles Mariner’s  
31 Guide.

#### 32 **MM AQ-17 – Cargo-Handling Equipment**

33 The 2008 Draft EIS/EIR did not include a requirement that the Terminal conduct a pilot  
34 program to test the feasibility of electric yard tractors. However, in the Final EIS/EIR’s  
35 Mitigation Monitoring and Reporting Program, a provision was added to MM AQ-17  
36 (Cargo-Handling Equipment) requiring that “the tenant at Berth 97-109 shall participate  
37 in a 1-year electric yard tractor [truck] pilot project. As part of the pilot project, two  
38 electric tractors will be deployed at the terminal within 1 year of lease approval. If the  
39 pilot project is successful in terms of operation, costs and availability, the tenant shall  
40 replace half of the Berth 97-109 yard tractors with electric tractors within 5 years of the  
41 feasibility determination.”

42 The pilot program was not implemented and the 2019 SEIR did not include the  
43 requirement in any of the mitigation measures related to cargo-handling equipment.  
44 Instead, the 2019 SEIR included LM AQ-3, Demonstration of Zero-Emissions  
45 Equipment, requiring the tenant to complete a one-year pilot program with at least 10  
46 units of zero-emissions equipment without specifying what type of equipment.

1 The Writ rejected the 2019 SEIR’s omission of the measure and reinstated the 2008 Final  
2 EIS/EIR’s version. The measure is included in the Revised Project as an addition to the  
3 version of MM AQ-17 described in the 2019 SEIR, but is not included in the analyses in  
4 this Draft RSEIR because its emission benefits cannot be quantified.

### 5 **2.5.1.3 Revised Project – Proposed Mitigation Measures**

6 Consistent with the requirements of the Writ, the Revised Project includes a  
7 consideration of potential additional mitigation measures related to at-berth control of  
8 OGV emissions and greenhouse gas (GHG) emissions. As described in Section 1.1.2, the  
9 Writ directed that this Draft RSEIR include a determination of whether any other  
10 mitigation measures for at-berth emissions (in addition to AMP required by MM AQ-9)  
11 are available, feasible, and enforceable to mitigate the impacts of emissions that cannot  
12 be mitigated through MM AQ-9.

13 The 2008 EIS/EIR did not include mitigation or lease measures related to greenhouse  
14 gases (GHGs). The 2019 SEIR included MM GHG-1 (LED Lighting) requiring  
15 replacement of lighting inside buildings and on outdoor high-mast lights with LED or  
16 similar technology by 2023. It also included LM GHG-1 (GHG Credit Fund) requiring  
17 the Terminal’s tenant to pay \$250,000 per year for eight years into a Greenhouse Gas  
18 Fund to be established by LAHD. The Writ directed LAHD to re-evaluate LM GHG-1 to  
19 determine if any mitigation measures are available, feasible, and enforceable to mitigate  
20 the GHG impacts of the continued operation of the Terminal.

21 Chapter 3 of this Draft RSEIR presents the determinations of feasibility for additional at-  
22 berth control measures and GHG reduction measures.

## 23 **2.5.2 Analysis of Additional Period of Non- 24 Compliance**

25 In addition, as described in Section 2.2.3, this Draft RSEIR includes the “period of non-  
26 compliance” between 2018 and 2023, when some of the measures were not fully  
27 complied with. This analytical period covers the time since the 2019 SEIR (which  
28 disclosed impacts occurring in 2008 to 2018). Five mitigation measures of the 2019  
29 SEIR, MM AQ-9 (AMP), MM AQ-10 (VSR), MM AQ-16 (Railyard CHE), MM AQ-17  
30 (Berth 97-109 cargo-handling equipment [CHE]), and MM AQ-20 (LNG Drayage  
31 Trucks), were partially implemented at the Terminal during some operational years from  
32 2018-2023. During the additional period (2018-2023) considered in this Draft RSEIR,  
33 two of those measures (MM AQ-16 and MM AQ-20) were not included in the Revised  
34 Project at all. MM AQ-16 was dropped as redundant to MM AQ-17, and MM AQ-20 was  
35 dropped because it was determined to be infeasible.

36 This Draft RSEIR analyzes operation of the CS Container Terminal during the period  
37 2018 through 2023 assuming that those measures had been fully implemented. The  
38 analysis uses actual throughput (Table 2-1) and activity levels.

## 39 **2.5.3 Analysis of FEIR Mitigated Scenario**

40 The 2008 EIS/EIR imposed a suite of mitigation measures on the operation of the  
41 Terminal. As described above, some of those measures were only partially complied with  
42 and some were not implemented at all; this was true of the period 2008–2018 as well as  
43 2018-2023. The FEIR Mitigated Scenario analyzed in this Draft RSEIR assumes that all

1 of the operational mitigation measures imposed in the 2008 EIS/EIR, including those  
2 later determined to be infeasible, were implemented on the timetables originally specified  
3 in the 2008 Mitigation Monitoring and Reporting Program included in the 2008 Final  
4 EIS/EIR. The FEIR Mitigated Scenario is, therefore, a hypothetical, “what-if” case.

5 In this analysis, actual terminal activity levels (i.e., cargo throughput, vessel calls, truck  
6 trips, train trips) are used for the years 2008 – 2023 and projected future levels are used  
7 for the years 2026 through 2045. For both time periods, the analyses use emissions  
8 factors from the most recent air quality models and assume controls required by current  
9 “on-the-books” regulations.

10 The results of these analyses can be compared to the Revised Project as described in  
11 Section 2.5.1 and to the periods of non-compliance as described in Section 2.5.2 and the  
12 2019 SEIR.

## 13 **2.6 CEQA Baseline and Analytical Approach** 14 **for Assessing Impacts of the Revised** 15 **Project**

### 16 **2.6.1 Baseline Used in the Draft Revised SEIR**

17 The basic purpose of this Draft RSEIR is to evaluate impacts of the continued operation  
18 of the Revised Project under the conditions required by the Writ. In this analysis, impacts  
19 resulting from implementation of the Revised Project are compared to a baseline  
20 condition. The difference between the Revised Project and the baseline is then compared  
21 to a threshold to determine if the difference between the two is significant.

22 CEQA provides for an EIR to assess the significance of a project’s impacts in comparison  
23 to a baseline that consists of the existing physical environmental conditions at and near  
24 the project site. CEQA Guidelines, Section 15125, subdivision (a), states:

25 *An EIR must include a description of the physical environmental conditions*  
26 *in the vicinity of the project, as they exist at the time the notice of*  
27 *preparation is published, or if no notice of preparation is published, at the*  
28 *time environmental analysis is commenced, from both a local and regional*  
29 *perspective. This environmental setting will normally constitute the baseline*  
30 *physical conditions by which a lead agency determines whether an impact is*  
31 *significant.*

32 However, Section 15125 also authorizes the lead agency to choose a baseline that most  
33 accurately reflects actual conditions in which impacts would occur, in cases where  
34 choosing the existing physical conditions at a single point in time would result in an  
35 analysis that is misleading or would misrepresent a proposed project’s potential impacts.

36 In the typical case, a supplemental EIR would adopt as its baseline the full build-out of  
37 the approved project as analyzed under the prior EIR and disclose the incremental change  
38 in environmental impacts between revised project and the prior approved project,  
39 regardless of whether that project has been fully constructed. However, as described  
40 below, LAHD has determined that factual circumstances unique to the Revised Project  
41 and the Writ require divergence from this typical approach.

1 The 2019 SEIR used 2008 as the CEQA baseline, which incorporated the period between  
2 2008, when the project was approved, and 2014 during which some mitigation measures  
3 were not fully implemented in a timely manner. Since, in accordance with the Writ, this  
4 Draft RSEIR evaluates the effects of modifications to mitigation measures that were  
5 analyzed in the 2019 SEIR and the previously certified 2008 EIS/EIR, the 2008 baseline  
6 used in the 2019 SEIR is appropriate for this document.

## 7 **2.6.2 Analytical Approach**

8 Rules and regulations effective by December 31, 2007 are considered in the 2008  
9 baseline for the source categories listed. In addition, as described in Section 1.2.5,  
10 changes in the regulatory framework since 2019 have occurred that are incorporated into  
11 the analyses of the Revised Project (Section 2.5.1), the Additional Period of Non-  
12 Compliance (Section 2.5.2), and the FEIR Mitigated Scenario. Accordingly, the analysis  
13 of the Revised Project, which covers the period from 2026 to 2045, uses the regulatory  
14 setting as of 2025, and the analysis of the Additional Period of Non-Compliance uses the  
15 regulatory setting as of 2018, plus regulations that went into effect during the period  
16 2018-2023, as appropriate.

17 Changes in analytical and modelling techniques since 2008 and 2019, as discussed in  
18 more detail in Section 3.1, have made it unworkable or confusing to analyze impacts in  
19 this SEIR using data and techniques employed in the previous documents. Because it is  
20 not possible to re-create the methodologies, input data, and other assumptions used in the  
21 2008 EIS/EIR and the 2019 SEIR, conditions are modelled using current (2025)  
22 methodologies and assumptions.

23